

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: :
:
DAVID GOODERMUTH and : **CHAPTER 7**
ANNLOUISE GOODERMUTH :
:
:
DEBTORS : **CASE NO.: 5-09-bk-08614-RNO**

**MOTION OF THE UNITED STATES TRUSTEE FOR EXTENSION
OF TIME TO FILE MOTION TO DISMISS PURSUANT TO 11 U.S.C. § 707
AND/OR TO OBJECT TO DISCHARGE PURSUANT TO 11 U.S.C. § 727**

NOW COMES the United States Trustee, through undersigned counsel, and respectfully moves this Court to enter an Order extending the time to file a motion to dismiss pursuant to 11 U.S.C. § 707 and/or to object to discharge pursuant to 11 U.S.C. § 727 and, in support thereof, states the following:

1. On November 3, 2009, Debtors filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code.
2. By letter dated December 18, 2009, the United States Trustee requested Debtors to provide information to supplement their schedules and statement of financial affairs. Debtors' counsel has not responded to said inquiry letter as of the filing of this Motion.
3. Debtors' chapter 7 Section 341 meeting was scheduled and held on December 18, 2009.
4. The United States Trustee is evaluating whether to file a motion to dismiss this case for abuse under 11 U.S.C. § 707 or, in the alternative, to file an objection to discharge pursuant to 11 U.S.C. § 727.

5. On December 28, 2009, the United States Trustee timely filed a statement that she is currently unable to determine whether the Debtor's case would be presumed to be an abuse under Section 707(b) of the Bankruptcy Code.

6. Section 704(b)(2) of the Bankruptcy Code states that the United States Trustee shall, not later than 30 days after the filing of the statement, either file a motion to dismiss or convert pursuant to 11 U.S.C. § 707(b) or file a statement setting forth the reasons the United States Trustee does not consider such a motion to be appropriate.

7. The United States Trustee believes that the interests of all parties would be better served if her decision whether to file a motion to dismiss or a complaint objecting to discharge was delayed until Debtors fully respond to the inquiry letter of December 18, 2009.

8. Bankruptcy Rule 1017 states that a motion to dismiss under § 707 must be filed within 60 days following the first date set for the meeting of creditors held pursuant to § 341 unless, before such time has expired, the court for cause extends the time for filing the motion. In this case, the last day to file such a motion is February 16, 2010.

9. Bankruptcy Rule 4004 states that an objection to discharge under § 727 must be filed within 60 days following the first date set for the meeting of creditors held pursuant to § 341. The Rule also provides that a court may extend the time for filing a complaint for cause after hearing on notice. In this case, the last day to file a complaint is February 16, 2010.

10. The United States Trustee believes that cause exists to extend the time for filing a motion to dismiss and for filing an objection to discharge and seeks an extension of sixty (60) days.

11. **Debtors' counsel consents to the requested extension of time.**

WHEREFORE, the United States Trustee respectfully requests that the Court issue an Order extending the time to file a motion to dismiss under 11 U.S.C. § 707 and/or to file a complaint objecting to discharge under 11 U.S.C. § 727 to April 17, 2010.

Respectfully submitted,

ROBERTA A. DeANGELIS
ACTING UNITED STATES TRUSTEE

Anne K. Fiorenza
Assistant United States Trustee

By: s/ Gregory B. Schiller
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Date: January 26, 2010

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CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2010, the foregoing was electronically filed with the Clerk of the Bankruptcy Court using the CM/ECF system which sent notification of such filing to the following Filing Users at the following e-mail address:

Robert P. Sheils, Jr., Esquire
(Chapter 7 Trustee)

Mark J. Conway, Esquire
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ROBERTA A. DeANGELIS
ACTING UNITED STATES TRUSTEE

Anne K. Fiorenza
Assistant United States Trustee

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